

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA

AUGUSTA DIVISION

FILED
2000 AUG 31 A 8:55

IN RE:

ALVIN T. WALTOWER, SR. and
DEBORAH D. WALTOWER,

Debtors.

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CHAPTER 13 CASE NUMBER 98-11600-JSD

MOTION FOR RELIEF FROM STAY

NOW COMES William J. Wade, as Trustee for Mid State Homes and brings this its Motion for Relief from Stay praying that the automatic stay of 11 U.S.C. §362 be terminated, and naming Alvin T. Waltower, Sr. and Deborah D. Waltower, Debtors, and Barnee C. Baxter, Trustee, as Defendants herein and in support thereof respectfully shows to the Court as follows:

(1)

Movant is a secured creditor of the Debtors whose Chapter 13 case is pending in this Court.

(2)

On or about November 25, 1983, Debtors executed a Note in the original amount of \$68,472.00 payable to Jim Walter Homes, Inc., (Jim Walter"), a copy of which is attached hereto, marked Exhibit "A" and incorporated herein by reference. To secure payment of the aforesaid Promissory Note, Debtors executed and delivered a Deed to Secure Debt to Jim Walter on November 25, 1983, which Deed to Secure Debt is duly recorded in the Office of the Clerk of Superior Court of Burke County, Georgia in Deed Book 137, Pages 643-644, a copy of which is attached hereto marked as Exhibit "B" and incorporated herein by reference.

(3)

That subsequent to the initiation of the instant Bankruptcy Case, Debtors have defaulted in their obligation under the Note and Deed to Secure Debt by failing to make the post-petition

installment payments for the months of November and December 1999, January, March, April, May, June, July, August, and as of the execution of this motion is in arrears in the sum of \$2,567.70 for post-petition payments; forced placed insurance was secured by Movant on the **** day of *****, *****, in the sum of \$*****, by virtue of Debtors' failure to secure insurance and provide proof of the same to Movant; taxes in the sum of \$***** were paid by Movant after receipt of Notice from the County taxing Authority; the post-petition arrearages for the above and foregoing as of the filing of the this motion totals \$2,567.70. The Movant has been stayed from proceeding to enforce its right under state law and the loan agreement.

(4)


That Movant seeks an Order lifting the automatic stay to enable the Movant to proceed to enforce its rights under state law and the loan agreements.

(5)

That Movant is entitled to an Order lifting the automatic stay for "Cause", pursuant to 11 U.S.C. §362.

WHEREFORE, Movant prays that the automatic stay of 11 U.S.C. §362 be modified and terminated to permit Movant to proceed to enforce its right under state law and the loan agreements.

This 28 day of August, 2000.



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